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September 19, 1997

VIA FAX (703) 413-2220 AND MAIL

Eckhard H. Kuesters, Esq.  
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Maier & Neustadt, P.C.  
Fourth Floor  
1755 Jefferson Davis Highway  
Arlington, VA 22202

Re: Axonn v. Newman

Dear Eck:

I was forwarded your e-mail to Kathy Dixon this morning regarding the Newman deposition. I never instructed Newman to not proceed on the abandoned application due to the James Arthur matter or for any other reason. Quite frankly, I told him to proceed and I believe because of the constant deadlines in the Life Point v. Cargill litigation, he never got to the application until Fall 1993.

Please call me on Monday if you need any further information.

Sincerely,

MICHAEL L. ECKSTEIN, ATTORNEY AT LAW  
A PROFESSIONAL CORPORATION

By: Dictated but not read.  
Sent in his absence to expedite.  
Michael L. Eckstein

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SEP 22 1997

MLE:246  
cc: MS: Katherine Dixon  
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EXHIBIT